

Effective 3/29/2014

Superseded 5/12/2015

63G-6a-107 Exemptions from chapter -- Compliance with federal law.

- (1) Except for Part 24, Unlawful Conduct and Penalties, the provisions of this chapter do not apply to:
 - (a) funds administered under the Percent-for-Art Program of the Utah Percent-for-Art Act;
 - (b) grants awarded by the state or contracts between the state and any of the following:
 - (i) an educational procurement unit;
 - (ii) a conservation district;
 - (iii) a local building authority;
 - (iv) a local district;
 - (v) a public corporation;
 - (vi) a special service district;
 - (vii) a public transit district; or
 - (viii) two or more of the entities described in Subsections (1)(b)(i) through (vii), acting under legislation that authorizes intergovernmental cooperation;
 - (c) medical supplies or medical equipment, including service agreements for medical equipment, obtained through a purchasing consortium by the Utah State Hospital, the Utah State Developmental Center, the University of Utah Hospital, or any other hospital owned by the state or a political subdivision of the state, if:
 - (i) the consortium uses a competitive procurement process; and
 - (ii) the chief administrative officer of the hospital makes a written finding that the prices for purchasing medical supplies and medical equipment through the consortium are competitive with market prices;
 - (d) the purchase of firefighting supplies or equipment by the Division of Forestry, Fire, and State Lands, created in Section 65A-1-4, through the federal General Services Administration or the National Fire Cache system;
 - (e) goods purchased for resale to the public; or
 - (f) the Division of Parks and Recreation, during a fiscal emergency, as defined by Subsection 79-4-1102(1), if the division is acting under the authority described in Sections 79-4-1101 through 79-4-1103.
- (2) This chapter does not prevent a procurement unit from complying with the terms and conditions of any grant, gift, or bequest that is otherwise consistent with law.
- (3) This chapter does not apply to any action taken by a majority of both houses of the Legislature.
- (4) Notwithstanding any conflicting provision of this chapter, when a procurement involves the expenditure of federal assistance, federal contract funds, local matching funds, or federal financial participation funds, the procurement unit shall comply with mandatory applicable federal law and regulations not reflected in this chapter.
- (5) This chapter does not supersede the requirements for retention or withholding of construction proceeds and release of construction proceeds as provided in Section 13-8-5.